IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

WP(C).No. 22932 of 2004(E)

PETITIONER:

SCARIA JOSEPH, KARAKKASSERIL HOUSE,
KANNADY P.O., PULINCUNNU, ALAPPUZHA.

BY ADV. SRI.JOMY GEORGE

RESPONDENTS:
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1. **KERALA STATE CO-OPERATIVE EMPLOYEES PENSION BOARD, T.C.NO.23/2781, RAJASREE, CHETTIKULNGARA, THIRUVANANTHAPURAM-695 001, REPRESENTED BY ITS SECRETARY.**

2. **JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), OFFICE OF THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES, ALAPPUZHA.**

3. **THE VERIFICATION OFFICER, KERALA STATE CO-OPERATIVE EMPLOYEES PENSION BOARD, ALAPPUZHA.**

4. **VADAKKE ANGADI SERVICE CO-OPERATIVE BANK LTD., NO.A-705, PULINCUNNU, ALAPPUZHA, REPRESENTED BY ITS SECRETARY.**

BY ADV. SRI.V.G.ARUN
GOVERNMENT PLEADER SRI.MANOJ KUMAR
SRI.JOSE JOSEPH (MANNAR)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.22932/2004

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE STATEMENT SHOWING THE DEDUCTIONS MADE FROM THE SALARY OF THE PETITIONER FROM THE YEAR 1995 DT. NIL.

EXT.P2:- COPY OF THE STATEMENT SHOWING THE D.A. ARREARS DUE TO THE PETITIONER FROM THE YEAR 1995 TO 31.3.99 DT. NIL.

EXT.P3:- COPY OF THE STATEMENT SHOWING THE ARREARS OF GRATUITY AND LEAVE SURRENDER ARREARS DT. NIL.

.EXT.P4:- COPY OF THE ORDER HAVING NO.G.O.(P) 181/95 DT.30.12.95.

EXT.P5:- COPY OF THE ORDER NO.G.O.(P) 47 DT.22.3.2000.

EXT.P6:- COPY OF THE STATEMENT SHOWING THE ARREARS OF SALARY DUE TO THE PETITIONER DT.30.12.95.

EXT.P7:- COPY OF THE RECEIPT EVIDENCING PAYMENT OF RS.12760/- TO THE PENSION BOARD IN THE ACCOUNT OF THE PETITIONER DT.7.2.03.

EXT.P8:- COPY OF THE RECEIPT SHOWING THE PAYMENT OF AN AMOUNT OF RS.1938/- TO THE PENSION BOARD IN THE ACCOUNT OF THE PETITIONER DT.2.5.03.

EXT.P9:- COPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT DT.22.12.2000.

EXT.P10:- COPY OF THE REPRESENTATION BEFORE THE REGISTRAR CO- OPERATIVE SOCIETIES, THIRUVANANTHAPURAM DT.1.11.2000.

EXTP1:- COPY OF THE LETTER SENT BY THE 3RD RESPONDENT TO THE 4TH RESPONDENT DT. 27.3.02.

EXT.P12:- COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE ADALATH OF CO- OPERATIVE SOCIETIES DT.9.6.04.

RESPONDENTS EXHIBITS

EXT.R4(1):- COPY OF THE RESOLUTION NO. 7 DT.1.12.95.

EXT.R4(2):- COPY OF THE RESOLUTION NO.47 DT.4.8.2000.

EXT.R4(3):- COPY OF THE RESOLUTION NO.152 DT.31.1.2000.

EXT.R4(4):- COPY OF THE RESOLUTION NO.81 DT.12.2.04.

EXT.R4(5):- COPY OF THE AUDIT REPORT DT.31.3.06.

/TRUE COPY/

KURIAN JOSEPH, J.

W.P(C)No.22932 of 2004

Dated this the 14th day of March, 2007

JUDGMENT

Petitioner approached this court with certain grievances regarding non-implementation of the eligible benefits pursuant to Exts.P1 to P3 and P6 to P8. During the pendency of the writ petition, it is seen that the second respondent Joint Registrar has passed an order dated 21-7-2004. A copy of the letter will be marked as Annexure 'X'. Petitioner prays that the direction of the Joint Registrar may be directed to be implemented. Learned counsel for the Bank submits that the Bank has taken up the matter with the Registrar. Once the Joint Registrar has passed orders exercising the powers of the Registrar, the Registrar has no power to revise the order. The power is with the Government under Section 83(2) of the Kerala Co-operative Societies Act 1969. As there is no order unsettling the order of the Joint Registrar dated 21-7-2004 in accordance with law and since the direction of the Registrar is to implement the decision taken in the Adalat, the writ petition is disposed of in terms of the interim order dated 9-3-2006. The needful, if not

already done, in terms of the interim order shall be done within a period of one month from the date of production of a copy of this judgment.

(KURIAN JOSEPH, JUDGE)

ahg.